

## ***NOTICE TO THE MEDIA***

Today the Court entered the following Order concerning the use of cameras during this trial.

Prior to trial the Court will issue further orders regarding the media. The Court is exploring setting up an overflow room to allow the media to use while covering the trial. Suggestions by the media on this subject are welcome.

Please advise this court of your intention to be present in Court to cover the trial, in order to ensure that there will be seating provided.

***JUDGE SUSAN CRISS***

CAUSE NO. 01CR1901

THE STATE OF TEXAS	§	IN THE 212 <sup>TH</sup> JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
ROBERT DURST	§	GALVESTON COUNTY, TEXAS

ORDER

The Court has reviewed the motions and arguments of Court TV requesting live gavel to gavel coverage of the trial in this case.

The Court has considered the First Amendment rights of the public and the press and weighed those rights against the Defendant's Sixth Amendment right to a fair trial.

The Court takes judicial notice of the continuing intensive and extensive local and national media coverage of this case. The Court also takes judicial notice that books have been written and movie rights have been acquired. The Court makes the following findings of fact:

1. There are some witnesses who are reluctant and unwilling to come forward.
2. There are some witnesses who are willing to speak to the media but not to the attorneys representing the State of Texas or the Defendant or to law enforcement.
3. There is one witness who has held two press conferences inviting the media to join her in scheduled searches for evidence.

The Court has previously entered a gag order to prohibit witnesses, attorneys and the defendant from discussing the case with the media.

Prior to entering the gag order the Court requested that the attorneys, witnesses and defendant use discretion in discussing the case with the media in order to preserve the defendant's right to a fair trial.

The Court has entertained and heard arguments regarding Defendant's Motion to Change Venue. Such motion complained of extensive pre-trial publicity affecting Defendant's right to a fair trial. The Defendant's attorneys withdrew their request to have the venue changed upon reaching an agreement with the attorneys representing the State to individually voir dire the jury panel members on publicity issues.

The Court FINDS that a compelling governmental interest exists in preserving the Defendant's right to a fair trial by an impartial jury.

The Court ORDERS the following:

1. The Court will allow one pool television camera and one pool still camera in any courtroom in which the 212<sup>th</sup> District Court is presiding over this case. The pool television camera may transmit, photograph visual images and audio during the reading of the charge, the final argument and the reading of the verdict only.
2. The pool still camera may photograph visual images during the entire trial with the following exceptions: -No photographs of jurors, or potential jurors or evidence that has not been admitted or of papers on the tables of counsel.
3. The Court shall specify the placement of media personnel and equipment to permit reasonable coverage without disruption to the proceedings. All equipment shall be set up as directed by the bailiff of the 212<sup>th</sup> District Court before commencement of the proceeding or session being televised. The Court shall not permit any other cameras or recording equipment of any type in the courtroom during any proceedings in this case.
4. When in the courtroom of the 212<sup>th</sup> District Court, media personnel shall not use equipment that produces distracting sound or light. The equipment shall not display visible signal lights or devices that indicate when equipment is in operation.
5. When in the courtroom of the 212<sup>th</sup> District Court, media personnel shall not use moving lights, flash attachments, or cause sudden lighting changes when recording events in the courtroom.
6. When in the courtroom of the 212<sup>th</sup> District Court, media personnel shall not move equipment or cause distractions when Court is in session.
7. If any media personnel or agent fails to comply with this Order, the Court may exclude that individual, the media organization the offending individual represents or works for, and/or order all media equipment removed from the courtroom.
8. Prior to issuance of final judgment in this case, no person shall make, distribute, publish, or broadcast any picture, photograph or visual representation of any potential juror or juror connected with or participating in the case of *The State of Texas vs. Robert Durst*.
9. Media personnel outside the courtroom shall not create distractions and shall avoid restricting movement of persons passing through the halls and/or the doors to the courtroom.
10. Media logos or proprietary trademarks shall not be displayed on any equipment used in the courtroom including, but not limited to cameras, microphones or clothing.
11. No proceeding or session will be delayed or continued for the sole purpose of allowing media coverage. Upon request, the court will inform media agencies of its schedule and will attempt to make the courtroom available in advance to set up equipment.
12. Films, videotapes or photographs made of court proceedings shall not be considered part of the official court record.

13. If any media personnel violate these rules, the individual and his organization may be sanctioned by appropriate measures. Sanctions may include, but are not limited to immediate removal of the offending person or agency from the courtroom, barring the offending person or agency from access to future electronic media coverage of proceedings in that courtroom for a defined period of time.
14. Any person having notice of this Order who violates it shall be subject to the contempt power of the Court. If found guilty of contempt, an individual may be fined up to \$500 and confined for up to six months for each act of contempt.
15. If an employee of a media organization or company violates this Order, they shall be subject to immediate expulsion from the courthouse.
16. All persons employed by a media organization, company or entity shall be presumed to have notice of all the provisions of this Order.
17. No person, including those individuals connected with, employed by, or acting on behalf of any news media organization shall interview, attempt to interview or discuss this case with any person chosen to serve on the jury (as a juror or alternate juror) for the trial in the case of *The State of Texas vs. Robert Durst* until return of the final verdict in the trial on the merits.
18. Even after the return of the final verdict in the trial on the merits, no interviewer may inquire about the specific vote of any juror other than the juror being interviewed, nor may anyone interviewing a juror inquire about the deliberations of the jury.
19. No person may repeatedly request interviews or repeatedly ask questions of a juror or former juror after the juror has expressed his or her desire not to be interviewed.
20. A copy of this Order shall be delivered to members of the media attending proceedings connected with the case *The State of Texas vs. Robert Durst*. Each media organization, company or entity shall be responsible for ensuring that its all its personnel, including contractor have notice of all the provision of this Order.
21. All persons representing employed by, or contracting with a media organization, company or entity shall be presumed to have notice of all the provisions of the Order.

This Order shall remain in effect until final judgment is signed or until further orders of this Court.

This Court shall entertain reasonable requests, including request by the media to modify this Order as the need arises.

Signed this 31<sup>st</sup> day of March, 2003.



SUSAN CRISS, Judge  
212<sup>th</sup> Judicial District Court